

REMARKS

Claims 1 to 72 are pending in this application, all of which have been rejected.

The Objections to the Claims

Claims 1, 29, 30 and 34 are objected to for reciting that R^{40} and R^{41} “can be” different. These claims have been amended herein to substitute “are” for “can be” as suggested in the Office Action. Withdrawal of the rejections is respectfully requested.

The Rejection under 35 U.S.C. § 112

Claims 1-72 are rejected under 35 U.S.C. § 112, second paragraph. In particular, the Office Action states:

Claims 1, 29, 30 and 34 recite a compound in which R^{40} and R^{41} are identical or different and are each an alkyl group having from 2 to about 30 carbon atoms. The claim further states that where R^{40} and R^{41} are different and R^{40} is a hydrocarbon group of from about 4-40 carbon atoms, R^{41} is a hydrocarbon group of about 1-40 carbon atoms. The metes and bounds of the claim are rendered indefinite because: (i) the presence of a hydrocarbon group of about 1-40 carbon atoms (the specification and examples indicate clearly that this represents a methyl group) does not satisfy the initial requirement that alkyl groups must have from about 2 to about 30 carbon atoms, and (ii) the initial portion of the claim states the R^{40} and R^{41} when different may be a variety of substituents, however, the claim later specifies that R^{40} and R^{41} when different are hydrocarbon groups.

It is respectfully submitted that the amendment to the claims 1, 29, 30 and 34 overcome the basis for this rejection. The claims as amended more clearly delineate the constituents of R^{40} and R^{41} when these groups are identical or different. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The Rejection under Prior Art

Claims 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by Rohrmann et al., U.S. Patent No. 4,985,576 ("Rohrmann").

Rohrmann is cited for disclosing a free ligand 1,1'-(dimethylsilanediyl) bisindenyl, in which the equivalent of Applicants' R⁴⁰ and R⁴¹ are the same and are hydrocarbon alkyl groups containing two carbon atoms.

However, the rejection does not take into account the proviso recited in Claim 29:

with the proviso that R³ and R^{3'} are not hydrogen or wherein two adjacent radicals radicals R⁵, R⁶ or R^{5'}, R^{6'}, or R⁶, R⁷ or R^{6'}, R^{7'}, or R⁷, R⁸ or R^{7'}, R^{8'} can form one or more hydrocarbon ring systems

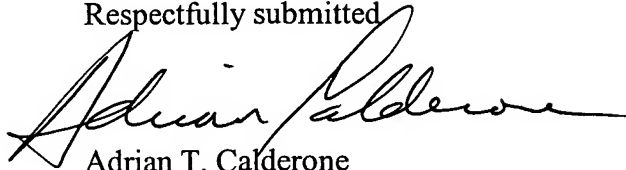
The ligand 1,1'-(dimethylsilanediyl) bisindenyl does not meet the recited requirement of Claim 29 because the R³ and R^{3'} groups in the cited ligand are hydrogen, but the R⁵, R⁶ or R^{5'}, R^{6'}, or R⁶, R⁷ or R^{6'}, R^{7'}, or R⁷, R⁸ or R^{7'}, R^{8'} groups do not form hydrocarbon ring systems as indicated above.

Accordingly, it is respectfully submitted that the citation of Rohrmann et al. does not support the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For at least the reasons stated above all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Adrian T. Calderone", written in a cursive style.

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